

REMARKS

Claims 1-30 remain pending in the present application.

In a December 1, 2007 Office Action, the Examiner rejected claims 1, 2, 5, 6, 10-12, 15, 16, 20, 22, 26, and 28-30 under 35 U.S.C. § 102(b) as being anticipated by United States Patent Number 6,170,872 (“Bair et al.”) The Examiner rejected claims 12-15, 20, and 21 under 35 U.S.C. § 102(b) as being anticipated by International Publication WO93/23626. The Examiner rejected claims 7-9, 17-19, and 23-25 under 35 U.S.C. § 103(a) as being unpatentable and obvious over Bair et al. in view of United States Patent 5,951,045 (“Almefelt et al.”). Finally, the Examiner rejected claims 3, 4, 13, 14, 21, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Bair et al. in view of WO93/23626. The applicant respectfully traverses the rejections.

In particular, amended claim 1 recites a combination of elements including, for example, “a first deformation member having a curved shape with at least first and second opposing radii of curvature in the direction of a deformation axis forming a generally “S” shape,” which is not shown or disclosed by Bair et al. Rather, and at most, Bair et al. discloses “C” shaped elements connected together. The “C” shaped element does not provide a curved shape having opposing radii of curvature. To clarify the difference, however, claim 1 has been amended to recite the “S” shape as to illustrate opposing radii of curvature. The top of the S has a radius in one direction whereas the bottom of the S has a radius in the opposing direction. For at least this reason, claim 1 is not anticipated by Bair et al. This distinction is clearly shown because to form two cavities along a deformation axis, Bair et al. actually requires 4 C shaped elements, whereas the present invention forms two cavities along a deformation axis using 2 S shaped elements. Compare, for example, figure 4 of Bair et al. with figure 1 of the present application.

Independent claims 12, 20, and 26 have been amended to contain recitations similar to amended claim 1 and, at least by virtue of the similarity, are patentably distinct from Bair et al. Claims 2, 5, 6, 10, 11, 15, 16, 22, and 28-30 depend either directly or indirectly from claims 1, 12, 20, and 26 and, at least by virtue of the dependency, are patentably distinct from Bair et al. Thus, withdrawal of the pending rejection is respectfully requested.

The Examiner rejected claims 12-15, 20, and 21 under 35 U.S.C. § 102(b) as being anticipated by International Publication WO93/23626. However, WO93/23626 simply discloses circular deformation members instead of the C shaped member. However, claim 12 recites a combination of elements including, for example, “a first deformation member having a substantially “S” shape,” which is not shown by WO93/23626. Rather, WO93/23626 shows a number of Circular elements. Thus, for at least this reason, claim 12 is patentably distinct from WO93/23626. Claims 20 recites limitations similar to claim 12 and, at least by virtue of the similarity, is patentably distinct from WO93/23626. Claims 14, 15, and 21 depend directly or indirectly from claims 12 and 20 and, at least by virtue of the dependency, are patentably distinct from WO93/23626.

The Examiner rejected claims 7-9, 17-19, and 23-25 under 35 U.S.C. § 103(a) as being unpatentable and obvious over Bair et al. in view Almefelt et al. In particular, the Examiner relied on Almefelt et al. for the disclosure of Flanges. However, claims 7-9, 17-19, and 23-25 depend directly or indirectly from claims 1, 12, and 20 and Almefelt et al. does not cure the defect of Bair et al. noted above. Thus, for at least the reasons identified above, claims 7-9, 17-19, and 23-25 are patentably distinct from Bair et al. and Almefelt et al. either alone or in any reasonable combination thereof.

Finally, the Examiner rejected claims 3, 4, 13, 14, 21, and 27 under 35 U.S.C. § 103(a) as being

unpatentable over Bair et al. in view of WO93/23626. However, 3, 4, 13, 14, 21, and 27 depend directly or indirectly from claims 3, 12, 20, and 26. The combination of Bair et al. and WO93/23626 does not cure the individual defects noted above. Thus, claims 3, 4, 13, 14, 21, and 27 are patentably distinct from Bair et al. and WO93/23626 either alone or in any reasonable combination thereof.

For all the foregoing reasons, the applicant respectfully requests the Examiner reconsider and withdraw the pending rejections and allow claims 1-40. Allowance of the pending claims is respectfully requested.

If an extension of time under 35 C.F.R. § 1.136 is required to obtain entry of this Amendment, such an extension is requested. If there are fees due under 37 U.S.C. § 1.16 or 1.17 which are not otherwise accounted for, please charge our Deposit Account No. 08-2623.

Respectfully submitted,

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